

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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DAMILARE SONOIKI

Plaintiff,

v.

HARVARD UNIVERSITY, HARVARD  
UNIVERSITY BOARD OF OVERSEERS,  
and THE PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE

Defendants.

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Civil Action No. 1:19-cv-12172

**DEFENDANTS' MOTION FOR LEAVE TO REPLY TO PLAINTIFF'S OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS**

Pursuant to Local Rule 7.1(b)(3), Defendants Harvard University, Harvard University Board of Overseers, and the President and Fellows of Harvard College (together "Harvard")<sup>1</sup> respectfully move for leave to file a brief reply of no more than seven (7) pages in length by February 4, 2020 to assist the Court in resolving the new legal arguments and mischaracterization of legal standards set forth by Plaintiff Damilare Sonoiki's opposition ("Opposition") to Harvard's Motion to Dismiss. In further support of this request, Harvard states the following:

1. Harvard filed its Motion to Dismiss Plaintiff's claims on December 20, 2019.

Dkt. No. 23.

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<sup>1</sup> Plaintiff's Complaint incorrectly identifies the Harvard entities as "Harvard University, Harvard University Board of Overseers, and the President and Fellows of Harvard College." President and Fellows of Harvard College is the legal entity that comprises the various named defendants and is the only proper party to this litigation. All other Harvard entities should be dismissed from this proceeding.

2. Mr. Sonoiki filed his Opposition to Harvard's Motion to Dismiss on January 17, 2020. Dkt. No. 30. That Opposition contains novel legal arguments and mischaracterizations of legal standards applicable to this matter.

3. In order to address the issues raised in the Opposition, Harvard requests up to seven (7) pages to reply. Harvard requests a deadline of February 4, 2020 by which to file that reply.

4. Harvard submits that the reply will allow Harvard to fully and appropriately address Mr. Sonoiki's legal and factual contentions raised in his Opposition and will facilitate the Court's consideration of Harvard's Motion to Dismiss.

5. Neither party will be prejudiced by allowance of this Motion. The Court has scheduled oral argument on Harvard's Motion to Dismiss for February 25, 2020, and Harvard is filing an assented-to motion to reschedule that hearing to February 28, 2020. Allowance of the instant motion will not require a change to any scheduling order or deadline in this case.

6. Harvard has conferred with counsel for the Plaintiff, who indicated that Plaintiff does not assent to the filing of a reply.

WHEREFORE, Harvard respectfully requests that the Court grant leave for Harvard to file a reply brief of no more than seven (7) pages in length, to be filed by February 7, 2020.

Respectfully submitted,

/s/ Tara D. Dunn

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**CERTIFICATE OF COMPLIANCE WITH RULE 7.1**

Undersigned counsel hereby certifies that counsel for Harvard conferred with counsel for Mr. Sonoiki on January 22, 2020. Mr. Sonoiki's counsel indicated that Plaintiff assents to the relief requested herein.

/s/ Tara D. Dunn

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 23, 2020.

/s/ Tara D. Dunn